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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

In re Application of PATELL :
U.S. Application No.: 10/584,228 :
PCT Application No.: PCT/IB04/02531 :
Int. Filing Date: 23 July 2004 : DECISION
Priority Date Claimed: 18 August 2003 :
Attorney Docket No.: 20049.3USWO :
For: NOVEL THERAPEUTIC EXTRACTS AND :
MOLECULES FOR DEGENERATIVE :
CONDITIONS :

This is in response to applicant's "Petition for Revival Under 37 CFR § 1.137(b)" filed 23 June 2006.

BACKGROUND

On 23 July 2004, applicant filed international application PCT/IB04/02531, which claimed priority of an earlier Patent Cooperation Treaty application filed 18 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 24 February 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 February 2006.

International application PCT/IB04/02531 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 June 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The abandonment and the entire delay from 18 February 2006, until the filing of this petition and the U.S. National Stage application was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 July 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 June 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459